

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 15-CR-20609

Plaintiff,

v.

HON. ROBERT H. CLELAND

D-1 ROGER MAX AUSTIN,
a/k/a “Doc”

Defendant.

**GOVERNMENT’S MOTION AND BRIEF FOR ORDER PERMITTING
FIREARMS AND AMMUNITION TO BE BROUGHT INTO COURTHOUSE
FOR USE AS TRIAL EXHIBITS**

Pursuant to local Administrative Order 95-079, the United States of America hereby moves this Court for an order permitting certain firearms and ammunition to be brought into the United States Courthouse in Port Huron, Michigan, and states:

1. The government intends to introduce firearms and ammunition, more specifically described as:
 - a. **A Llama .32 caliber semi-automatic pistol and ammunition, Serial Number 350368;**
 - b. **A Smith & Wesson, Eastfield Model 916-A, 20 gauge shotgun, Serial Number 5B6070;**

- c. **A Harrington & Richardson, Topper Jr. Classic, 20 gauge shotgun, Serial Number HM202044; and**
- d. **Approximately 226 assorted rounds of shotgun ammunition.**

All as exhibits in the above captioned trial, which is scheduled to begin on **October 10, 2017** in the courtroom in the Port Huron Federal Courthouse.

2. The investigative agencies are the Drug Enforcement Administration and the Federal Bureau of Investigation and the assigned case agents are DEA Task Force Officers Eric Lindblade and Daniel Galich, and FBI Special Agent William R. Fleming.

3. Under local Administrative Order 95-079, the government may bring firearms into any federal court facility in the Eastern District of Michigan for use as trial exhibits if so authorized by the trial judge in a written order. The trial judge may also authorize the storage of the firearms, ammunition, and other weapons in the U.S. Marshals Service vault during overnight and other breaks in the trial.

WHEREFORE, the government requests an order permitting the above referenced firearms and ammunition to be brought into the United States Courthouse in Port Huron, Michigan, and used as trial exhibits.

Respectfully submitted,

DANIEL L. LEMISCH
Acting United States Attorney

s/Saima Mohsin
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Date: September 19, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 15-CR-20609

Plaintiff,

v.

HON. ROBERT H. CLELAND

D-1 ROGER MAX AUSTIN,
a/k/a "Doc"

Defendant.

**ORDER PERMITTING CERTAIN FIREARMS AND AMMUNITION TO BE
BROUGHT INTO COURTHOUSE FOR USE AS TRIAL EXHIBITS**

This matter coming before the Court on the government's motion, for the reasons stated in the motion and pursuant to local Administrative Order 95-079, it is HEREBY ORDERED that beginning **October 10, 2016**, all Deputy U.S. Marshals and Court Security Officers shall permit the case agents in this case, Task Force Officers Eric Lindblade and Daniel Galich, of the Drug Enforcement Administration, and Special Agent William R. Fleming, of the Federal Bureau of Investigation, and any other special agents acting under these case agent's supervision, to bring into the United States Courthouse in Port Huron, Michigan:

- a. **A Llama .32 caliber semi-automatic pistol and ammunition, Serial Number 350368**

- b. **A Smith & Wesson, Eastfield Model 916-A, 20 gauge shotgun, Serial Number 5B6070;**
- c. **A Harrington & Richardson, Topper Jr. Classic, 20 gauge shotgun, Serial Number HM202044; and**
- d. **Approximately 226 assorted rounds of shotgun ammunition.**

IT IS ALSO ORDERED that the firearms and ammunition shall be handled in accordance with Administrative Order 95-079, which provides in relevant part:

- 2. Upon arriving at the courthouse, the case agent[s] bringing with them firearms to be admitted as exhibits in a scheduled trial will announce their intentions and present th[is] court order to the Court Security Officers at the security screening posts.
- 3. Once notified, the Court Security Officer will escort the case agent, along with the firearms[,] into the Marshals Service office where the firearms will be inspected and secured by Supervisory Deputy United States Marshals.
- 4. Once the firearms are determined to be safe, the Court Security Officer and the case agent will transport the firearms to the designated courtroom where the case agent will be responsible for the security of the firearms. For the duration of the trial, it will be the responsibility of the case agent to coordinate with the Marshals Service to facilitate the transport of the firearms by Marshals Service personnel to and from the appropriate courtroom. During trial, the case agent will be responsible for the security of the firearms.
- 5. Once the trial is completed, th[is] court order will expire and the firearms will be removed from the courthouse by the case agent.

IT IS ALSO ORDERED that the firearms and ammunition may be stored in the U.S. Marshals Service vault during overnight and other breaks in the trial.

s/Robert H. Cleland
ROBERT H. CLELAND
United States District Judge

Entered: September 22, 2017